

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>ROBERT McFEETER,</b>	:	<b>CASE NO. C-1-01-900</b>
	:	<b>(Beckwith, J.; Hogan, M.J.)</b>
<b>PLAINTIFF,</b>	:	
	:	
<b>vs:</b>	:	<b><u>STATEMENT OF FACTS</u></b>
	:	
<b>CITY OF MIDDLETOWN</b>	:	
<b>POLICE DEPARTMENT, et al.,</b>	:	
	:	
<b>DEFENDANTS.</b>	:	
	:	

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At approximately 10:15 P.M. on December 31, 2000, Plaintiff Robert McFeeter was arrested by Middletown Police Officers James Lusk and Kathy Jones for suspicion of Driving Under the Influence of Alcohol. He was then transported to the Middletown City Jail for booking. At the time of his arrest and the time of his booking, all parties agree that Mr. McFeeter showed no visible signs of injury of any nature. When Mr. McFeeter was transported to a holding cell at the City Jail by Defendant Officers Kathy Jones, John Spicer and Kenneth Mynhier, these officers were the only officers in Mr. McFeeter's cell during his entire night's stay. Mr. McFeeter states that while he was in the City Jail, he was kicked, hit and beaten by at least two officers. Mr. McFeeter was released from the City Jail at 9:00 A.M. on January 1<sup>st</sup>, 2001. He was picked up at the jail by his father, Robert E. McFeeter, and fiancé, Tina Spicer. He was immediately transported to Sycamore Hospital and was found to have internal bleeding and required emergency surgery. The doctors found that Mr. McFeeter had severe internal injuries, including a lacerated spleen, torn mesentery, severely damaged colon and substantial internal bleeding. Mr. McFeeter remained in the hospital for approximately one week and sustained total medical bills of approximately Twenty-Three Thousand Dollars (\$23,000.00).

Mr. McFeeter has filed a claim under 42 U.S.C. Section 1983, 1985 and 1986, alleging that the Middletown City Police Officers assaulted him causing the previously stated injuries, that they failed to intervene and stop that beating, and that they subsequently conspired to cover up the incident. The Defendant officers claim they did not assault Mr. McFeeter and that they do not know how he sustained his injuries.

Respectfully submitted,

**/s/ James D. Ruppert**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was forwarded, by ordinary U. S. Mail, this \_\_\_\_\_ day of December, 2004, to the following:

Mr. Konrad Kircher  
Attorney for Defendants: Kathy Jones, Kenneth Mynhier, John Spicer, James Brammer  
and Mary Jones  
The Offices of White Blossom  
4824 Socialville-Foster Road, Suite 110  
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**/s/ James D. Ruppert**

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